

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SALVADOR VENEGAS,  
Plaintiff,  
v.  
E. MENDOZA, et al.,  
Defendants.

Case No. 1:21-cv-00962-DAD-EPG (PC)

ORDER REGARDING SUBSTITUTION OF  
NAMED DEFENDANTS IN PLACE OF DOE  
DEFENDANT

Salvador Venegas (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

This case proceeds on the following claims: Eighth Amendment excessive force against Defendants Mendoza, Grimsley, Cornejo, Navarro, Layshot, and Mattingly; First Amendment retaliation against Defendants Mendoza, Grimsley, Cornejo, Navarro, and John Doe 1; Fourteenth Amendment procedural due process against Defendant John Doe 2; Eighth Amendment deliberate indifference to serious medical needs against Defendant Cahapisan; Eighth Amendment conditions of confinement against Defendant Muñoz; and First Amendment access to mail against Defendants Mendoza, Grimsley, Cornejo, and Navarro. (ECF Nos. 10-11, 14, 19.)

As this case proceeds against two Doe defendants, the Court will allow Plaintiff to subpoena documents from Wasco State Prison that may allow him to identify John Doe 1 and

1 John Doe 2. If Plaintiff is able to identify the Doe defendants, he should file a motion to substitute  
2 the named individuals in place of John Doe 1 and John Doe 2 no later than 120 days from the date  
3 of service of this order. If Plaintiff fails to identify John Doe 1 and John Doe 2, they will be  
4 dismissed without prejudice.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The Clerk of Court is directed to send Plaintiff a copy of form AO 88B and a copy of  
7 form USM-285;
- 8 2. Plaintiff has thirty days from the date of service of this order to complete and return  
9 form AO 88B and form USM-285;
- 10 3. Plaintiff has 120 days from the date of service of this order to file a motion to  
11 substitute named defendants in place of John Doe 1 and John Doe 2; and
- 12 4. Failure to comply with this order may result in the dismissal of John Doe 1, John Doe  
13 2, and/or this case.

14 IT IS SO ORDERED.

15 Dated: May 27, 2022

16 /s/ Eric P. Shoup  
17 UNITED STATES MAGISTRATE JUDGE  
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